

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA )  
v. ) No. 2:12-CR-37  
GUSTAVO VELEDIAZ GUADARRAMA )

## **REPORT AND RECOMMENDATION**

The defendant Guadarrama has filed two motions to suppress. (Docs. 32 and 33). Simultaneously with the filing of these motions to suppress, he filed a motion in which he asked for additional time to file pretrial motions, Document 31.

On May 3, 2012, this court filed its Order on Discovery and Scheduling.<sup>1</sup> That order provided that all pretrial motions must be filed by May 22, 2012. It also set the final pretrial conference/motion hearing for May 30, 2012. On May 22, 2012, the deadline for filing pretrial motions, defendant filed a motion in which he requested that he be allowed until Friday, May 25, 2012, to file any pretrial motions.<sup>2</sup> Because the motion hearing was set for May 30, and presuming that the Assistant United States Attorney would require at least a modicum of time in which to file responses to any pretrial motions, the court granted defendant only until 5:00 p.m. on May 24, 2012, to file pretrial motions.<sup>3</sup>

1 Doc. 17.

^2Doc. 27.

3 Doc. 28.

Defendant filed no motions by the May 24, 2012, deadline, as a result of which the court filed its pretrial order on May 25, 2012, at 10:22 a.m.<sup>4</sup> Beginning at 1:44 p.m. on May 25, 2012, defendant filed his motion for additional time, and other pretrial motions, including the two motions to suppress.

Since defendant filed no motions by the 5:00 p.m. May 24, 2012 deadline, the court entered its pretrial order.

Defendant failed to show good cause for his failure to comply with the deadlines established by this court for filing pretrial motions. Accordingly, his motion for additional time, (Doc. 31), was DENIED. His motion to reveal the identify of a confidential informant, (Doc. 30) was DENIED as untimely. For the same reasons, it is recommended to the district judge that defendant's two motions to suppress, (Docs. 32 and 33), also be denied as untimely,<sup>5</sup> *United States v. Obiukwu*, 17 F.3d 816, 819 (6th Cir. 1994).

Respectfully submitted,

s/ Dennis H. Inman  
United States Magistrate Judge

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<sup>4</sup>Doc. 29.

<sup>5</sup>Any objections to this report and recommendation must be filed within fourteen (14) days of its service or further appeal will be waived. 28 U.S.C. § 636(b)(1).